

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|------------------------------------|---|--------------------------|
| Aquilla Jett Williams, |) | |
| |) | |
| Plaintiff, |) | C/A No.: 8:06-1668-MBS |
| |) | |
| vs. |) | |
| |) | |
| |) | OPINION AND ORDER |
| Michael J. Astrue, Commissioner of |) | |
| Social Security, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Plaintiff Aquilla Jett Williams filed an application for a period of disability and disability insurance benefits on December 6, 2000, alleging disability since November 10, 2000 because of fractures of the pelvis, right leg, and right arm. Plaintiff's application was denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge ("ALJ"). On November 12, 2002, the ALJ denied Plaintiff's claim. The Appeals Counsel reviewed the decision and remanded the case for further proceedings on August 20, 2003. A supplemental hearing was held on April 13, 2004. On August 25, 2004, the ALJ issued a decision that Plaintiff was not entitled to a period of disability or disability insurance benefits under the provisions of sections 216(i) and 223, respectively, of the Social Security Act. The decision of the ALJ became the "final decision" of the Commissioner on April 7, 2006, after the Appeals Council determined that there was no basis for granting Plaintiff's request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the "final decision" of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks. On July 11, 2007, the Magistrate Judge filed a Report and Recommendation of Magistrate Judge in which she determined that the ALJ's decision

was not supported by substantial evidence. Accordingly, she recommended that the Commissioner's decision be reversed and remanded under sentence four of 42 U.S.C. § 405(g) for further proceedings. Plaintiff filed no objections to the Report and Recommendation. The Commissioner filed a notice on July 30, 2007, informing the court that he would not file objections to the Report.

The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the Commissioner's decision is **reversed and remanded** under sentence four of 42 U.S.C. § 405(g) for further proceedings as set forth herein and in the Report and Recommendation.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

July 30, 2007.